

REMARKS

Claims 1-15 are pending in the application. Claims 1 and 6 have been amended to set forth the steps of the processes claimed with more specificity. Minor amendments were made to claims 2, 8, 9 and 11. Claims 12 and 13 have been made independent claims including all the recitations of claim 10 from which each claim originally depended. These claims are not believed to be narrowed by the amendments presented. Claims 7 and 10 were amended to specify that the derivative is a carboxymethylated, alkylated, or hydroxyalkylated derivative. Support for this amendment may be found at least in paragraphs 0008 and 0014. Claim 10 was further amended to include carboxyl and/or carboxymethyl groups. Support for this amendment may be found at least in paragraph 0014. No new matter was added.

Claims 1-9 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7 and 11 of copending application no. 09/913,596. Claims 10-15 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 32, 34-36 and 39 of copending application no. 09/914,182. Upon the patenting of these applications, Applicants will file a terminal disclaimer to obviate these rejections. See *MPEP* § 804I.B.

Claims 2 and 8 were objected to and claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph. Applicant believes these objections and rejections are moot in view of the above amendments and respectfully requests that they be withdrawn.

Claims 10 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by BeMiller et al., U.S. Patent No. 3,632,802. Applicants respectfully traverse this rejection.

BeMiller et al. describes the oxidation of carbohydrates with an alkali metal ferrate to yield products in which at least one of the primary hydroxyl groups is converted to an aldehyde group. The ferrate compound is used as the oxidizing agent to permit

oxidation to be carried out without the formation of carboxyl groups, without the oxidation of secondary hydroxyl groups and without scission of carbon to carbon bonds in the carbohydrate molecule. *See Abstract of the Disclosure.*

Claim 10 as amended is directed to an oxidized carbohydrate containing at least 1 cyclic monosaccharide group carrying a carbaldehyde group per 25 monosaccharide units and per molecule or a carboxymethylated, alkylated or hydroxyalkylated derivative thereof and further containing carboxyl and/or carboxymethyl groups.

Anticipation requires that each and every element of the invention as defined by the rejected claims be present in the cited document. BeMiller specifically states that oxidation as taught therein occurs without the formation of carboxyl groups. *See, column 2, lines 57-58.* Claim 10 is directed to an oxidized carbohydrate containing carboxyl and/or carboxymethyl groups. Thus, BeMiller does not disclose the carbohydrate as defined in claims 10 and 11 and these claims are not anticipated thereby. In view thereof, Applicants respectfully request that this rejection be withdrawn.

Further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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